

**IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

UNITED STATES OF AMERICA)
)
)
V.) **CASE NO: 2:06-cr-105-WHA**
)
JENNIFER J. DAVIS)

UNOPPOSED MOTION TO CONTINUE TRIAL

NOW COMES the Defendant, Jennifer Davis, by undersigned counsel, pursuant to 18 U.S.C. § 3161, and respectfully moves the Court for an Order continuing this matter from the trial calendar of June 26, 2006.

In support of this motion, the Defendant would show that:

1. Ms. Davis is seeking pretrial diversion from the United States, and will be presenting this request to the United States this week.
2. Accordingly, it is necessary that this matter be continued, in order for the diversion review to be made by the United States, and the request to be reviewed by the U.S. Probation Office.
3. Ms. Davis will file a Speedy Trial Waiver in support of this motion, agreeing to a continuance through to the October 2006 trial term.
4. The Government does not oppose this request for a continuance.
5. Requests for a continuance are addressed to the sound discretion of the trial court. *United States v. Darby*, 744 F.2d 1508, 1521 (11th Cir. 1984). Pursuant to 18 U.S.C. § 3161(h)(2), the Court may consider the fact that a request for delay has been made based

on possible deferral of prosecution by the Government.

WHEREFORE, for the reasons set forth above, Ms. Davis prays that this Honorable Court will grant this Motion and issue an order continuing this matter from the June 26, 2006 trial docket.

Respectfully submitted,

s/Christine A. Freeman
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CERTIFICATE OF SERVICE

I hereby certify that on May 15, 2006, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will send notification of such filing to the following:

Christopher A. Snyder, Esquire
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Respectfully submitted,

s/Christine A. Freeman
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